

## ORDINANCE \_\_\_\_\_

AN ORDINANCE relating to land use; amending Chapters 23.47, Commercial zones; 23.48, Seattle Mixed zone; 23.49, Downtown zones; 23.50, Industrial zones; 23.54, Parking and Access; 23.55, Signs; 23.66, Special Review Districts; and 23.84, Definitions; of the Seattle Municipal Code, specifying a definition and permitted locations and development standards for adult cabarets.

### BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Council Findings and Analysis. The City Council's Findings and Analysis are in Attachment 1 to this ordinance.

Section 2. Subsection E, Entertainment, of subsection I of Chart A, of Section 23.47.004 of the Seattle Municipal Code, which section was last amended by Ordinance 121828, is amended as follows:

#### COMMERCIAL USES: CHART A For Section 23.47.004

		ZONES				
		NC1	NC2	NC3	C1	C2
I. COMMERCIAL USE						
		* * *				
E. Entertainment						
1. Places of public assembly						
- Performing arts theater		X	P	P	P	P
- Spectator sports facility		X	P	P	P	P
- Lecture and meeting halls		X	P	P	P	P
- Motion picture theater		X	P	P	P	P
- Adult motion picture theater		X	P	P	P	P
- Adult panorams		X	X	X	X	X
- <u>Adult cabarets</u>		<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
2. Participant sports and recreation						
- Indoor		P	P	P	P	P
- Outdoor		X	X	X <sup>4</sup>	P	P

\* \* \*

Section 3. Section 23.48.006 of the Seattle Municipal Code, which section was last amended by Ordinance 118302, is amended as follows:

**23.48.006 Prohibited uses.**

The following uses are ~~((shall be))~~ prohibited as both principal and accessory uses, except as otherwise noted:

\* \* \*

F. Adult motion picture theaters, ~~((and))~~ adult panorams, and adult cabarets;

\* \* \*

Section 4. Section 23.49.044 of the Seattle Municipal Code, which section was last amended by Ordinance 112777, is amended to add a new subsection F as follows:

**23.49.044 Downtown Office Core 1, prohibited uses.**

The following uses ~~((shall be))~~ are prohibited as both principal and accessory uses:

\* \* \*

D. All salvage and recycling uses except recycling collection stations;~~((and))~~

E. All high impact uses; and

F. Adult cabarets.

Section 5. Section 23.49.062, of the Seattle Municipal Code, which section was last amended by Ordinance 112777, is amended to add a new subsection F, as follows:

**23.49.062 Downtown Office Core 2, prohibited uses.**

The following uses ~~((shall be))~~ are prohibited as both principal and accessory uses:

\* \* \*

1 D. All salvage and recycling uses except recycling collection stations;

2 E. All high-impact uses; and

3 F. Adult cabarets.

4 Section 6. Section 23.49.092, of the Seattle Municipal Code, which section was last  
5 amended by Ordinance 112777, is amended to add a new subsection F, as follows:

6 **23.49.092 Downtown Retail Core, prohibited uses.**

7 The following uses (~~shall be~~) are prohibited as both principal and accessory uses:

8 \* \* \*

9 D. All salvage and recycling uses except recycling collection stations;(~~and~~)

10 E. All high-impact uses; and

11 F. Adult cabarets.

12 Section 7. Subsection C of Section 23.49.118, of the Seattle Municipal Code, which  
13 section was last amended by Ordinance 112777, is amended as follows:

14 **23.49.118 Downtown Mixed Commercial, prohibited uses.**

15 The following uses (~~shall be~~) are prohibited as both principal and accessory uses:

16 \* \* \*

17 C. Adult cabarets, (~~(A)~~)adult motion picture theaters and adult panorams;

18 \* \* \*

19 Section 8. Subsection D of Section 23.49.144, of the Seattle Municipal Code, which  
20 section was last amended by Ordinance 114623, is amended as follows:

21 **23.49.144 Downtown Mixed Residential, prohibited uses.**

The following uses (~~shall be~~) are prohibited as both principal and accessory uses:

\* \* \*

D. Adult cabarets, (~~(A)~~)adult motion picture theaters and adult panorams;

\* \* \*

Section 9. Subsection C of Section 23.49.320, of the Seattle Municipal Code, which section was last amended by Ordinance 114623, is amended as follows:

**23.49.320 Downtown Harborfront 2, prohibited uses.**

The following uses (~~shall be~~) are prohibited as both principal and accessory uses:

\* \* \*

C. Adult cabarets, (~~(A)~~)adult motion picture theaters and adult panorams;

\* \* \*

Section 10. Subsection A of Section 23.49.338, of the Seattle Municipal Code, which section was last amended by Ordinance 114623, is amended as follows:

**23.49.338 Pike Market Mixed, prohibited uses.**

A. The following uses are prohibited as both principal and accessory uses in areas outside of the Pike Place Market Historical District, map 1L:

1. Drive-in businesses, except gas stations located in parking garages;
2. Outdoor storage;
3. Adult cabarets, (~~(A)~~)adult motion picture theaters and adult panorams;
4. Transportation facilities;
5. Major communication utilities;

6. All general manufacturing uses;
7. All salvage and recycling uses, except recycling collection stations;
8. All industrial uses;
9. Jails; and
10. Work-release centers.

\* \* \*

Section 11. Section 23.50.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 121476, is amended to add a new subsection E as follows:

**23.50.012 Permitted and prohibited uses.**

\* \* \*

E. Adult cabarets

1. Adult cabarets are permitted only within that portion of the Duwamish Manufacturing and Industrial Center as depicted on Map 23.50.012A, and subject to maximum size limitations as provided in Section 23.50.027, Maximum size limits of non-industrial use.

2. Adult cabarets must be at least one thousand feet (1,000') from any school, elementary or secondary, or any facility operated by the Seattle Public School System that provides public instruction to children; child care center; park; community center; religious facility; or light rail transit station; unless separated from such other use by a significant topographic break or by Interstate 5.

1                   3. Notwithstanding the provisions of Chapter 23.55, pole or roof signs that are  
2 visible from State Route 99, the Spokane Street Viaduct, or Interstate 5 are not permitted in  
3 conjunction with an adult cabaret.

4                   Section 12.     Map 23.50.012A in Section 23.50.012 of the Seattle Municipal Code,  
5 which section was last amended by Ordinance 121476, is added as follows:  
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Section 13. Subsection E, Entertainment, of subsection III of Chart A, of Section 23.50.012, of the Seattle Municipal Code, which section was last amended by Ordinance 121476, is amended as follows:

**INDUSTRIAL USES  
CHART A  
for Section 23.50.012**

Uses	Zones				
	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
III. Commercial.	*	*	*		
E. Entertainment					
1 Places of public assembly					
a. Performing arts theater	P	P	P	X	X
b. Spectator sports facility	P	P	P	X <sup>6</sup>	X <sup>6</sup>
c. Lecture and meeting halls	P	P	P	P	P
d. Motion picture theater	P	P	P	X	X
e. Motion picture theater, adult	X	X	X	X	X
f. Adult panorams	X	X	X	X	X
g. <u>Adult cabarets</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P<sup>12</sup></u>	<u>P<sup>12</sup></u>
2. Participant sports and recreation					
a. Indoor	P	P	P	X	P
b. Outdoor	P	P	P	X	P

\* \* \*

12. Adult cabarets are permitted only within the Duwamish Manufacturing and Industrial Center as provided in Section 23.50.012 E.



Section 14. Chart B of Section 23.50.027 of the Seattle Municipal Code, which section was last amended by Ordinance 121281, is amended as follows:

**23.50.027 Maximum size of nonindustrial use.**

\* \* \*

**CHART B  
GENERAL INDUSTRIAL ZONES  
WITHIN DUWAMISH M/I CENTER**

Categories of uses Subject to Size of Use Limits	IG1	IG2
Office uses	50,000 sq. ft.	100,000 sq. ft.
Retail sales and service (except for <u>adult cabarets</u> , restaurants and drinking establishments)	25,000 sq. ft.	50,000 sq. ft.
<u>Adult cabarets</u>	<u>5,000 sq. ft.</u>	<u>5,000 sq. ft.</u>
Restaurants	5,000 sq. ft.	5,000 sq. ft.
Drinking establishments*	3,000 sq. ft.	3,000 sq. ft.
Meeting halls	N. M. S. L.	5,000 sq. ft..

N.M.S.L. = No Maximum Size Limits

\*The maximum size limit for brew pubs applies to that portion of the pub that is not used for brewing purposes.

\* \* \*

Section 15. Chart A of Section 23.54.015 of the Seattle Municipal Code, which section was last amended by Ordinance 121792, is amended as follows:

**Chart A**  
**for Section 23.54.015**  
**PARKING**

Use	Parking Requirements
	* * *
<u>Adult cabaret</u>	<u>1 space for each 200 square feet</u>
	* * *

Section 16. Section 23.55.002 of Chapter 23.55, Signs, of the Seattle Municipal Code, which section was last amended by Ordinance 119239, is amended as follows:

**23.55.002 Scope of Provisions.**

A. The provisions of this chapter shall apply to signs in all zones, except those zones regulated by Chapter 23.66, Special Review Districts. In any case where the provisions of this chapter conflict with development standards applicable to a specific use, the development standards for the specific use shall apply.

\* \* \*

Section 17. Subsection A of Section 23.66.122 of the Seattle Municipal Code, Pioneer Square Preservation District, which section was last amended by Ordinance 120928, is amended as follows:

**23.66.122 Prohibited uses.**

A. The following uses are prohibited in the entire Pioneer Square Preservation District as both principal and accessory uses:

Retail ice dispensaries;

Plant nurseries;

Frozen food lockers;

Animal services;

Automotive retail sales and service, except gas stations located in parking

garages;

Marine retail sales and service;

Heavy commercial services;

Fuel sales;

Sales, service and rental of commercial equipment and construction materials;

Adult motion picture theaters;

Adult panorams;

Adult cabarets;

Bowling alleys;

Skating rinks;

Major communication utilities;

Advertising signs and off-premises directional signs;

Transportation facilities, except passenger terminals;

Outdoor storage;

Jails;

Work-release centers;

General and heavy manufacturing uses;

Salvage and recycling uses, except recycling collection stations; and

High impact uses.

\* \* \*

Section 18. Subsection A of Section 23.66.322 of the Seattle Municipal Code,  
International Special Review District, which section was last amended by Ordinance 120928, is  
amended as follows:

**23.66.322 Prohibited uses.**

A. The following uses (~~shall be~~) are prohibited as both principal and accessory uses in  
the entire International Special Review District:

Adult cabarets;

Adult motion picture theaters;

Adult panorams;

All general and heavy manufacturing uses;

All high-impact uses;

All salvage and recycling uses, except recycling collection stations;

Automotive retail sales and service;

Bowling lanes;

Major communication utilities;

Sales, service and rental of commercial equipment and construction materials;

Drive-in businesses;

Frozen food lockers;

Heavy commercial services;  
Marine retail sales and services;  
Medical testing laboratories;  
Mortuary services;  
Motels;  
Outdoor storage;  
Plant nurseries;  
Retail ice dispensaries;  
Shooting galleries;  
Skating rinks;  
Mobile home parks;  
Transportation facilities except passenger terminals;  
Animal services;  
Jails;  
Work release centers.

\* \* \*

Section 19. Subsection “Places of public assembly” of Section 23.84.030 “P”, of the Seattle Municipal Code, which section was last amended by Ordinance 121700, is amended to add a subsection 4, as follows:

**23.84.030 “P.”**

\* \* \*

"Places of public assembly" means an entertainment use in which cultural, entertainment, athletic, or other events are provided for spectators either in or out of doors. Examples include but are not limited to motion picture and performing arts theaters, spectator sports facilities, and lecture and meeting halls. Places of public assembly accessory to institutions or to public parks or playgrounds shall not be considered commercial uses.

1. "Motion picture theater" means a place of public assembly intended and expressly designed for the presentation of motion pictures, other than an adult motion picture theater.

2. "Motion picture theater, adult" means a place of public assembly in which, in an enclosed building, motion picture films are presented which are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specific sexual activities" or "specified anatomical areas," as defined in this subsection, for observation by patrons therein:

a. "Specified sexual activities":

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse or sodomy;
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

b. "Specified anatomical areas":

(1) Less than completely and opaquely covered:

- (a) Human genitals, pubic region,
- (b) Buttock, or

(c) Female breast below a point immediately above the top  
of the areola; or

(2) Human male genitals in a discernibly turgid state, even if  
completely and opaquely covered.

3. "Panoram, adult" means a device which exhibits or displays for observation by  
a patron a picture or view from film or videotape or similar means which is distinguished or  
characterized by an emphasis on matter depicting, describing, or relating to "specified sexual  
activities" or "specified anatomical areas," as defined in subsection 2.

4. "Cabaret, adult" means a place of public assembly, where licensing as an  
"adult entertainment premises" is required by SMC Chapter 6.270.

~~((4-))~~ 5. "Participant sports and recreation" means an entertainment use in which  
facilities for engaging in sports and recreation are provided. Any spectators are incidental and  
are not charged admission. There are two (2) types of participant sports and recreation uses --  
indoor and outdoor. Participant sports and recreation uses accessory to institutions or to public  
parks or playgrounds shall not be considered commercial uses.

a. "Participant sports and recreation, indoor" means a participant sports  
and recreation use in which the sport or recreation is conducted within an enclosed structure.  
Examples include but are not limited to bowling alleys, roller and ice skating rinks, dance halls,  
racquetball courts, physical fitness centers and gyms, and videogame parlors.

1                   b. "Participant sports and recreation, outdoor" means a participant sports  
2 and recreation use in which the sport or recreation is conducted outside of an enclosed structure.  
3 Examples include tennis courts, water slides, and driving ranges.

4                   ~~((5-))~~ 6. "Performing arts theater" means a place of public assembly intended and  
5 expressly designed for the presentation of live performances of drama, dance and music, other  
6 than an adult cabaret or adult panoram.  
7

8                   ~~((6-))~~ 7. "Spectator sports facility" means a place of public assembly intended and  
9 expressly designed for the presentation of sports events, such as a stadium or arena.

10                                   \* \* \*



Section 20. The provisions of this ordinance are declared to be separate and severable.  
The invalidity of any particular provision is not intended to affect the validity of any other  
provision of this ordinance or the validity of any provision contained within another ordinance or  
code.

Section 21. This ordinance shall take effect and be in force thirty (30) days from and  
after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10)  
days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2006, and signed by me in  
open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Gregory J. Nickels, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
City Clerk

(Seal)

Attachment 1: City Council's Findings and Analysis